

## CHAPTER 9 ADMIT/DENY HEARING

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### **Admit/Deny Hearing “Checklist”**

### **Admit/Deny Hearing “Script”**

#### **Order**

- Scheduling Order



	GENERAL PROCEDURE	AUTHORITY
	<b>9.04 Continuance – Right to Copy of Petition (continued)</b>  B. <b>INDIAN CHILD.</b> With respect to an <b>Indian</b> child, no foster care placement or termination of parental rights proceeding shall be held until at least ten (10) days after receipt of notice by the parent or <b>Indian</b> custodian and the tribe, provided that the parent or <b>Indian</b> custodian or the tribe shall, upon request, be granted up to twenty (20) additional days to prepare for such proceeding.	RJPP 32.06
9.05	<b>TIMING OF SERVICE OF SUMMONS AND PETITION UPON PARTIES</b>  A. <b>CHIPS MATTER.</b> In a CHIPS matter, the summons and petition shall be served either at or before the EPC Hearing or at least three (3) <sup>1</sup> days prior to the Admit/Deny Hearing, whichever is earlier. If service is made outside the state or by publication, the summons shall be personally served, mailed, or last published at least ten (10) days before the hearing. In cases where publication of a child in need of protection or services petition is ordered, published notice shall be made one time at least ten (10) days before the date of the hearing.  B. <b>TERMINATION OF PARENTAL RIGHTS MATTERS AND PERMANENT PLACEMENT MATTERS.</b> In any termination of parental rights matter or permanent placement matter the summons and petition shall be served upon all parties so that services is completed at least ten (10) days prior to the date set for the Admit/Deny Hearing.  C. <b>RIGHT TO PETITION FOR THREE (3) DAYS PRIOR TO HEARING.</b> At the request of a party, the hearing shall not be held at the scheduled time if the summons and petition have been served less than three (3) days before the hearing.	<ul style="list-style-type: none"> <li>• RJPP 32.02, subd. 5(a) (timing of service summons and petition)</li> <li>• RJPP 30.07 (CHIPS petition served prior to EPC hearing)</li> </ul> RJPP 32.02, subd. 5(b)  RJPP 32.02, subd. 3(a)
9.06	<b>CONTENT OF SUMMONS</b>  A. <b>GENERALLY.</b> A summons shall contain or have attached: <ol style="list-style-type: none"> <li>1. A copy of the petition, court order, motion, affidavit or other legal documents not previously provided; however, these documents shall not be contained in or attached to the summons and complaint if the court has authorized service of the summons by publication;</li> <li>2. A statement of the time and place of the hearing;</li> <li>3. A statement describing the purpose of the hearing;</li> </ol>	RJPP 32.02, subd. 4(a)

<sup>1</sup> When calculating the three (3) days, the day service was made and any Saturday, Sunday, or legal holiday are not counted. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs to the end of the next day that is not a Saturday, Sunday, or legal holiday. *RJPP 4.01.*

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.06 Content of Summons (continued)</b></p> <ol style="list-style-type: none"> <li>4. A statement explaining the right to representation pursuant to RJPP 25; and</li> <li>5. A statement that failure to appear may result in:               <ol style="list-style-type: none"> <li>(a) The child being removed from home pursuant to a child in need of protection or services petition;</li> <li>(b) The parent's parental rights being permanently severed pursuant to a termination of parental rights petition;</li> <li>(c) Permanent transfer of the child's legal and physical custody to a relative;</li> <li>(d) A finding that the statutory grounds set forth in the petition have been proved; and</li> <li>(e) An order granting the relief requested.</li> </ol> </li> </ol> <p><b>B. CHILD IN NEED OF PROTECTION OR SERVICES MATTERS.</b> In addition to the content requirements set forth above in section A, in any child in need of protection or services matter the summons shall also contain or have attached a statement that:</p> <ol style="list-style-type: none"> <li>1. If the person summoned fails to appear, the court may conduct the hearing in the person's absence; and</li> <li>2. A possible consequence of the hearing is that the child may be removed from the home of the parent or legal custodian and placed in foster care, and such removal may lead to other proceedings for permanent out-of-home placement of the child or termination of parental rights.</li> </ol> <p><b>C. TERMINATION OF PARENTAL RIGHTS MATTERS.</b> In addition to the content requirements set forth above in section A, in any termination of parental rights matter the summons shall also contain or have attached a statement that if the person summoned fails to appear the court may conduct the hearing in the person's absence and the court may proceed by default which may result in termination of the person's parental rights.</p> <p><b>D. PERMANENT PLACEMENT MATTERS.</b> In addition to the content requirements set above in section A, in any permanent placement matter the summons shall also contain or have attached a statement that if the person summoned fails to appear the court may conduct the hearing in the person's absence and the court may proceed by default which may result in an order granting the relief requested in the petition.</p> <p><i>Comment: The Summons forms located on CourtNet comply with the Rules content requirements, including stating the consequences of failure to appear.</i></p>	<p>RJPP 32.02, subd. 4(b)</p> <p>RJPP 32.02, subd. 4(c)</p> <p>RJPP 32.02, subd. 4(d)</p>

	GENERAL PROCEDURE	AUTHORITY
9.07	<p><b>PERSONS TO BE SERVED SUMMONS AND METHOD OF SERVICE</b></p> <p>A. <b>PERSONS TO BE SERVED.</b> If the Admit/Deny Hearing is the first hearing in the matter, and if the Summons and Petition have not already been served, the court administrator shall serve the Summons and Petition upon each party identified in RJPP 21 and upon any other person whose presence the court deems necessary to a determination concerning the best interests of the child. Pursuant to RJPP 21, parties are:</p> <ol style="list-style-type: none"> <li>1. The child, regardless of age, if the petition alleges <u>truancy</u> (otherwise the child is a participant and only receives notice of the hearing and the petition);</li> <li>2. The child's guardian ad litem;</li> <li>3. The child's legal custodian (defined in Chapter 3.34);</li> <li>4. In the case of an <b>Indian</b> child, the child's <b>Indian</b> custodian and <b>Indian</b> tribe through the tribal representative;</li> <li>5. The petitioner;</li> <li>6. Any person who intervenes as a party pursuant to RJPP 23;</li> <li>7. Any person or agency joined as a party pursuant to RJPP 24, including the school district if joined in a <u>truancy</u> matter;</li> <li>8. Any other person, including a child, who is deemed by the court to be important to a resolution that is in the best interests of the child.</li> </ol> <p>B. <b>METHOD OF SERVICE.</b></p> <ol style="list-style-type: none"> <li>1. <b>Generally -- CHIPS, TPR, Other Permanency.</b> Unless the court orders service by publication, the summons and petition shall be personally served upon the child's parent or legal custodian, and personally or by U.S. mail upon all other parties and attorneys.</li> <li>2. <b>Habitual <u>Truant</u>, <u>Runaway</u>, and Prostitution Matters.</b> <ol style="list-style-type: none"> <li>(a) Generally. When the sole allegation is that the child is a habitual <u>truant</u>, a <u>runaway</u>, or engaged in prostitution, initial service may be made as follows: <ol style="list-style-type: none"> <li>(1) the court may send notice and a copy of the petition or notice to appear by U.S. mail to the legal custodian, the person with custody or control of the child, and each party and participant; or</li> <li>(2) a peace officer may issue a notice to appear or a citation.</li> </ol> </li> </ol> </li> </ol>	<p>RJPP 32.02, subd. 2</p> <p>RJPP 21.01 (identifies parties)</p> <p>RJPP 32.02, subd. 3(a)</p> <p>RJPP 32.02, subd. 3(b)(1)</p>

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.07 Persons to be Served Summons (continued)</b></p> <p>(b) Failure to Appear. If the child or the child's parent or legal custodian or the person with custody or control of the child fails to appear in response to the initial service, the court shall order such person to be personally served with a summons.</p> <p>3. <b>Voluntary Placement – Service by Mail.</b> In all cases involving a voluntary placement of a child pursuant to RJPP 44, the summons shall be served by U.S. mail upon the parent or legal custodian.</p> <p>C. <b>WAIVER.</b> Service is waived by voluntary appearance in court or by a written waiver of service filed with the court.</p> <p>D. <b>FAILURE TO APPEAR.</b> If any person personally served with a summons or subpoena fails, without reasonable cause, to appear or bring the child if ordered to do so, or if the court has reason to believe the person is avoiding personal service, the court may sua sponte or upon the motion of a party or the county attorney pursuant to RJPP 15 proceed against the person for contempt of court or the court may issue a warrant for the person's arrest, or both. When it appears to the court that service will be ineffectual, or that the welfare of the child requires that the child be immediately brought into the custody of the court, the court may issue a warrant for immediate custody of the child.</p> <p><i>Comment: Pursuant to Minn. Stat. § 260C.181, subd. 3, a child taken into custody by reason of having been adjudicated in need of protection or services, including a child who is a <u>truant</u> or <u>runaway</u>, and including a child who has been conditionally released by the court without adjudication, "may be placed only in a shelter care facility." "Shelter care facility" means a "physically unrestricting facility." Thus, a child who fails to appear may be taken into custody, but may not be held in secure detention.</i></p>	<p>RJPP 32.02, subd. 3(b)(2)</p> <p>RJPP 32.02, subd. 3(c)</p> <p>RJPP 32.02, subd. 6</p> <p>RJPP 32.02, subd. 7</p> <p>RJPP 15 (specifies process for serving and filing motions)</p>
9.08	<p><b>TIMING OF SERVICE OF NOTICE OF HEARING UPON PARTICIPANTS</b></p> <p>The notice of hearing must be mailed at least five (5) days before the date of the hearing, or fifteen (15) days before the date of the hearing if mailed to an address outside of the state.</p>	RJPP 32.04
9.09	<p><b>CONTENT OF NOTICE OF HEARING</b></p> <p>A notice of Hearing shall contain or have attached:</p> <p>1. A copy of the petition, but only if it is the initial hearing or the person has intervened or been joined as a party and previously has not been served with a copy of the petition;</p>	RJPP 32.03, subd. 3



	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.09 Content of Notice of Hearing (continued)</b></p> <ol style="list-style-type: none"> <li>2. A statement of the time and place of the hearing;</li> <li>3. A statement describing the purpose of the hearing;</li> <li>4. A statement explaining the right to representation pursuant to RJPP 61;</li> <li>5. A statement explaining intervention as of right and permissive intervention pursuant to RJPP 23;</li> <li>6. A statement pursuant to RJPP 18.01 that failure to appear may result in: <ol style="list-style-type: none"> <li>(a) The child being removed from home pursuant to a child in need of protection or services petition;</li> <li>(b) The parent's parental rights being permanently severed pursuant to a termination of parental rights petition;</li> <li>(c) Permanent transfer of the child's legal and physical custody to a relative;</li> <li>(d) A finding that the statutory grounds set forth in the petition have been proved; and</li> <li>(e) An order granting the relief requested; and</li> </ol> </li> <li>6. A statement that it is the responsibility of the individual to notify the court administrator of any change of address.</li> </ol> <p><i>Comment: The Notice of Hearing forms located on CourtNet comply with the Rules content requirements, including stating the consequences of failure to appear.</i></p>	
9.10	<p><b>PERSONS TO BE SERVED NOTICE OF HEARING AND METHOD OF SERVICE</b></p> <p>A. <b>PERSONS TO BE SERVED.</b> If the initial hearing is an Admit/Deny Hearing, the court administrator shall serve a notice and petition upon all participants identified in RJPP 22, the county attorney, any attorney representing a party in the matter, and the child through the child's attorney, if represented, or the child's physical custodian. Pursuant to RJPP 22, unless already a party or unless otherwise specified by the court, participants are:</p> <ol style="list-style-type: none"> <li>1. The child (except in a <u>truancy</u> matter where the child, regardless of age, is a party);</li> <li>2. Any parent who is not a legal custodian and any alleged, adjudicated, or presumed father;</li> <li>3. The responsible social services agency, when the responsible social services agency is not the petitioner;</li> <li>4. Any guardian ad litem for the child's legal custodian;</li> <li>5. Grandparents with whom the child has lived within the two (2) years preceding the filing of the petition;</li> <li>6. Relatives or other persons providing care for the child and other relatives who request notice;</li> <li>7. Current foster parents and persons proposed as long-term foster care parents;</li> </ol>	<p>RJPP 32.03, subd. 2(b)</p> <p>RJPP 22.01 (specifies participants)</p>

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	<p><b>9.10 Persons to be Served Notice of Hearing and Method of Service (continued)</b></p> <ol style="list-style-type: none"> <li>8. The spouse of the child, if any; and</li> <li>9. Any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.</li> </ol> <p><i>Comment: RJPP 32.03 specifies the persons to be provided initial notice of the proceeding. While failure to notify a non-legal custodial parent does not create a jurisdictional defect, the best practice is to invite that parent to participate in the proceedings because failure to do so may create substantial barriers to permanency because the court may order protective supervision with the non-custodial parent (concurrent permanency planning – see Chapter 31) and may require that reasonable efforts be made regarding that parent.</i></p> <p><b>B. METHOD OF SERVICE.</b> The Notice of Hearing shall be served by U.S. Mail or may be delivered at the prior hearing, if there was such a hearing. The court may order the Notice of Hearing to be by personal service.</p>	RJPP 32.03, subd. 4
9.11	<p><b>OTHER PEOPLE WHOSE PRESENCE MAY BE NEEDED AT ADMIT/DENY HEARING</b></p> <p>In addition to the parties, participants, and attorneys listed in sections 9.07 and 9.10 above, upon the request of any party, participant, or attorney, or as directed by the court, the following additional people may be notified of the Admit/Deny Hearing:</p> <ol style="list-style-type: none"> <li>1. Extended family members who may serve as resources for the child and family;</li> <li>2. Pre-adoptive parents and foster parents;</li> <li>3. Law enforcement officers;</li> <li>4. School officials;</li> <li>5. Service providers;</li> <li>6. Adult or juvenile probation or parole officer; and</li> <li>7. Witnesses whose testimony may be necessary, such as for placement or disposition issues.</li> </ol>	Resource Guidelines, p. 48-49
9.12	<p><b>FAILURE TO APPEAR – DEFAULT</b></p> <p><b>A. DEFAULT PROCEDURE.</b> Except as noted in below in section “B”, if a parent, legal custodian, or <b>Indian</b> custodian fails to personally appear for an admit-deny hearing after being properly served with a summons or notice of hearing, the court may:</p> <ol style="list-style-type: none"> <li>1. Receive evidence in support of the petition and, if proved by the applicable standard of proof, enter the relief requested in the petition as to that parent, legal custodian, or <b>Indian</b> custodian; or</li> <li>2. Reschedule the hearing.</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 18.01</li> <li>• <i>In Re the Matter of the Welfare of the Children of Deloris Coats</i>, 633 N.W.2d 505 (Minn. 2001) (default in termination of parental rights appropriate where</li> </ul>

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.12 Failure to Appear – Default (continued)</b></p> <p>B. <b>EXCEPTION FOR FAILURE TO APPEAR -- DENIAL.</b> A parent, legal custodian, or <b>Indian</b> custodian is not subject to default proceedings if the party enters a written denial or an on-the-record denial through counsel without the party's personal appearance.</p> <p>C. <b>PROPER SUMMONS OR NOTICE OF HEARING REQUIRED.</b> A default order may not be entered if the Summons or Notice of Hearing:</p> <ol style="list-style-type: none"> <li>1. Was not properly and timely served, or</li> <li>2. Does not comply with the content requirements of RJPP 32.02, subd. 4; RJPP 32.03, subd. 3; or RJPP 32.04, which require that the Summons or Notice of Hearing state the consequences of failure to appear.</li> </ol> <p><i>Comment: The Summons and Notice of Hearing forms located on CourtNet comply with the content requirements specified in RJPP 32.02, 32.03, and 32.04, including the consequences of failure to appear.</i></p> <p>D. <b>DEFAULT ORDER.</b> If the person is in default, and the petition is proved by the applicable standard of proof (see Chapter 24), the court may issue an order granting the relief requested as to that parent, legal custodian, or <b>Indian</b> custodian.</p>	<p>parent fails to present a reasonable excuse for failure to personally appear at pretrial hearing)</p> <p>RJPP 35.02</p> <ul style="list-style-type: none"> <li>• RJPP 18.01</li> <li>• RJPP 32.02, subd. 4 (Summons content)</li> <li>• RJPP 32.03 and RJPP 32.04 (Notice of Hearing content)</li> </ul> <p>RJPP 18.01</p>
	HEARING PROCEDURE	
9.13	<p><b>IDENTIFICATION OF FILE NAME AND NUMBER AND PERSONS PRESENT</b></p> <p>At the commencement of the hearing, the court shall on the record:</p> <ol style="list-style-type: none"> <li>1. State the case name and file number.</li> <li>2. Ask all parties, participants, and attorneys present to identify themselves for the record.</li> <li>3. Determine whether it is in the child's best interests to be present or to be excluded from the hearing. In cases where the child's behavior is the underlying cause of the petition, the child must be present to admit or deny the statutory grounds stated in the petition.</li> <li>4. Inquire whether there is anyone in the audience who wishes to be identified because of an interest regarding the child or family.</li> </ol>	<p>See RJPP 34.03</p> <p>Minn. Stat. § 260C.163, subd. 7</p>

	GENERAL PROCEDURE	AUTHORITY
	<b>9.13 Identification of File Name and Number and Persons Present (continued)</b>  5. State that this is an Admit/Deny Hearing and that the purpose of the hearing is to determine whether the parent, legal custodian, or child if appropriate, admits or denies the statutory grounds and factual allegations set forth in the petition.	RJPP 34.01
9.14	<b>INITIAL PROCEDURES IF NOT PREVIOUSLY DETERMINED AT PRIOR HEARING</b> If this is the first hearing in the case, or if not previously determined at a prior hearing, the court shall: <ol style="list-style-type: none"> <li>1. Verify the name, date of birth, race, and current address of the child who is the subject of the matter, unless stating the information would endanger the child or seriously risk disruption of the current placement.</li> <li>2. Determine whether the child is an <b>Indian</b> child and, if so, determine whether the child's parent or <b>Indian</b> custodian and <b>Indian</b> tribe have been notified of the hearing by registered letter, return receipt requested, and that the return receipt is in the court file.</li> <li>3. Determine whether all required persons have been informed of the time and place of the hearing and what further efforts, if any, must be taken to notify all parties and participants as rapidly as possible of the pendency of the matter and the date and time of the next hearing.</li> <li>4. Determine whether any other persons, including relatives, should be included as a parties or participants and notified of the date and time of the next hearing.</li> <li>5. Determine whether all parties and participants have been served a copy of the petition. Unless a party otherwise consents to do so, a party may not be required to admit or deny the statutory allegations of the petition if the party did not receive possession of the petition at least three (3) days before the hearing.</li> <li>6. Inquire about the address or location of any party, participant, or other person who is not present at the hearing.</li> <li>7. Advise any child or the child's parent or legal custodian who appears in court and is unrepresented of the right to representation pursuant to RJPP 25.</li> </ol>	RJPP 34.03, subd. 1



	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.15 General Rights Advisory (continued)</b></p> <p>including through appeal, if any. This right attaches no later than when the party or participant first appears in court. This does not mean the person has the right to court-appointed counsel.</p> <p>(b) Right to Representation – Child: The child is entitled to counsel as follows:</p> <p>(1) Except in proceedings where the sole basis for the petition is habitual <u>truancy</u>, if the child desires counsel but is financially unable to employ one, the court shall appoint counsel to represent the child who is ten (10) years of age or older and may appoint counsel to represent a child under age ten (10) in any case in which the court determines that such appointment is appropriate.</p> <p>(2) In any proceeding where the sole basis for the petition is habitual <u>truancy</u>, the child does not have the right to appointment of a public defender or other counsel at public expense. However, before any out-of-home placement can be ordered, including foster care or inpatient treatment, the court shall appoint a public defender or other counsel at public expense to represent the child.</p> <p>(3) In any juvenile protection matter involving an <b>Indian</b> child, the court in its discretion may appoint counsel for an <b>Indian</b> child upon a finding that such appointment is in the best interests of the child.</p> <p>(4) Counsel for the child shall not serve as the child's guardian ad litem.</p> <p>(c) Right to Representation – Parent or Legal Custodian:</p> <p>(1) Except in proceedings where the sole basis for the petition is <u>truancy</u>, if the child's parent or legal custodian desires counsel but is financially unable to employ one, the court shall appoint counsel to represent the parent or legal custodian in any juvenile protection matter in which the court determines that such appointment is appropriate.</p> <p>(2) In any proceeding where the sole basis for the petition is <u>truancy</u>, the parent or legal custodian does not have the right to appointment of a public defender or other counsel at public expense.</p>	<ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 1(a)</li> <li>• Minn. Stat. § 260C.163, subd. 3(b)</li> </ul> <ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 1(b)</li> <li>• Minn. Stat. § 260C.163, subd. 3(c)</li> </ul> <ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 1(c)</li> <li>• 25 U.S.C. § 1912(b)</li> </ul> <p>RJPP 25.02, subd. 1</p> <ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 2(a)</li> <li>• Minn. Stat. § 260C.163, subd. (d)</li> </ul> <ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 2(b)</li> <li>• Minn. Stat. § 260C.163, subd. 3(b)</li> </ul>

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.15 General Rights Advisory (continued)</b></p> <p>(3) In any juvenile protection matter involving an <b>Indian</b> child, if the child's parent or <b>Indian</b> custodian is unable to afford it, the court shall appoint counsel to represent the parent or <b>Indian</b> custodian.</p> <p>(d) Right to Representation – Guardian Ad Litem: The court may appoint separate counsel for the guardian ad litem if necessary. A public defender may not be appointed as counsel for a guardian ad litem.</p> <p>(e) Reimbursement: When an attorney or a guardian ad litem is appointed for a child or a child's parent or legal custodian, the court may inquire into the ability of the parent or legal custodian to pay for the person's services and, after giving the parent or legal custodian a reasonable opportunity to be heard, may order the parent or legal custodian to pay the such fees.</p> <p><b>5. Basic procedural rights of a <u>party</u>, including the right to:</b></p> <p>(a) Notice of all hearings;</p> <p>(b) Legal representation;</p> <p>(c) Be present at all hearings unless excluded;</p> <p>(d) Conduct discovery, including copies of social services file;</p> <p>(e) Bring motions before the court;</p> <p>(f) Participate in settlement agreements;</p> <p>(g) Subpoena witnesses to testify on the person's behalf;</p> <p>(h) Cross-examine other parties' witnesses;</p> <p>(i) Make argument in support of or against the petition;</p> <p>(j) Present evidence;</p> <p>(k) Request review of the referee's findings and recommended order, where applicable;</p> <p>(l) Request review of the court's disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate;</p>	<p>RJPP 25.02, subd. 2(c)</p> <ul style="list-style-type: none"> <li>• RJPP 25.02, subd. 2(d)</li> <li>• Minn. Stat. § 260C.163, subd. 5(a)</li> </ul> <ul style="list-style-type: none"> <li>• RJPP 26.05 (GAL)</li> <li>• RJPP 25.03 (attorney)</li> <li>• Minn. Stat. § 260C.163, subd. 3 (attorney)</li> <li>• Minn. Stat. § 260C.163, subd. 5 (GAL)</li> <li>• Minn. Stat. § 260C.331, subds. 5 and 6 (attorney and GAL)</li> </ul> <p>RJPP 21.02</p>





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	<p><b>9.15 General Rights Advisory (continued)</b></p> <p>review the parent's or legal custodian's progress on the case plan and the services provided by the agency. The court shall determine whether the child can be safely returned home or, if not, order permanent placement consistent with the child's best interests, including terminating the parent's rights or permanently transferring the child's legal and physical custody to a relative.</p>	
9.16	<p><b>UNDERSTANDING OF STATUTORY GROUNDS AND FACTUAL ALLEGATIONS</b></p> <p>At the beginning of the hearing, the court on its own may explain, or may ask the county attorney to explain, the following:</p> <ol style="list-style-type: none"> <li>1. The reasons why the child was taken into emergency protective care; and</li> <li>2. The substance of the statutory grounds and supporting factual allegations set forth in the petition.</li> </ol> <p>The court should determine whether the child and the child's parent or legal custodian understand the statutory grounds and the factual allegations set forth in the petition and, if not, provide an explanation.</p>	RJPP 34.03, subd. 1(g)
9.17	<p><b>MOTIONS</b></p> <p>A. <b>SUFFICIENCY OF PETITION AND JURISDICTION.</b> The court shall hear any motions addressed to the sufficiency of the petition or jurisdiction of the court without requiring any person to admit or deny the statutory grounds set forth in the petition prior to making a finding on the motion. The court should ask for any such motions before asking for the admission or denial.</p> <p>B. <b>PRIVATE PETITION.</b> Any party has the right to contest the basis of a petition filed by an individual who is not a county attorney or an agent of the commissioner of human services.</p> <p>C. <b>INTERVENTION.</b> The court should determine whether there are any motions to intervene.</p>	<p>RJPP 34.03, subd. 5</p> <p>RJPP 35.01, subd. 3</p> <p>RJPP 23.03 (automatic and permissive intervention)</p>
9.18	<p><b>DETERMINATIONS IN TERMINATION OF PARENTAL RIGHTS MATTERS</b></p> <p>A. <b>PRIMA FACIE DETERMINATION SUPPORTING TPR.</b> In each termination of parental rights matter the court shall determine whether the petition states a prima facie case in</p>	RJPP 34.03, subd. 3(a)

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	<p><b>9.18 Determinations in Termination of Parental Rights Matters (continued)</b></p> <p>support of termination of parental rights under the statutory grounds stated in the petition.</p> <p>B. <b>PRIMA FACIE DETERMINATION REGARDING REASONABLE/ACTIVE EFFORTS TO REUNIFY.</b> When the petition alleges that reasonable efforts, or active efforts in the case of an <b>Indian</b> child, have been made to reunify the child with the parent or legal custodian, the court shall enter a separate finding regarding whether the factual allegations contained in the petition state a prima facie case that the agency has provided reasonable efforts, or active efforts in the case of an <b>Indian</b> child, to reunify the child and the parent or legal custodian. In the alternative, the court may enter a finding that reasonable efforts, or active efforts in the case of an <b>Indian</b> child, to reunify the child and the parent or legal custodian were not required under Minn. Stat. § 260.012(a).</p> <p>C. <b>PRIMA FACIE CASE FOUND.</b> If the court determines that the petition states a prima facie case in support of termination of parental rights, the court shall proceed to solicit an admission or denial to the statutory grounds stated in the petition (see section 9.21).</p> <p>D. <b>PRIMA FACIE CASE NOT FOUND.</b> If the court determines that the petition fails to state a prima facie case in support of termination of parental rights, the court shall:</p> <ol style="list-style-type: none"> <li>1. Return the child to the care of the parent or legal custodian;</li> <li>2. Give the petitioner ten (10) days to file an amended petition or supplementary information if the petitioner represents there are additional facts which, if presented to the court, would establish a prima facie case in support of termination of parental rights;</li> <li>3. Give the petitioner ten (10) days to file a child in need of protection or services petition; or</li> <li>4. Dismiss the petition.</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 34.03, subd. 3(b)</li> <li>• Minn. Stat. § 260.012(a) (requires reasonable efforts, or active efforts if <b>Indian</b> child, to prevent placement or reunify if placed)</li> </ul> <p>RJPP 34.03, subd. 3(c)</p> <p>RJPP 34.03, subd. 3(c)</p>
9.19	<p><b>DETERMINATIONS ON OTHER PERMANENCY MATTERS</b></p> <p>A. <b>PRIMA FACIE DETERMINATION SUPPORTING PERMANENCY PETITION.</b> In each permanent placement matter the court shall review the facts set forth in the petition, consider such argument as the parties may make, and determine whether the petition states a prima facie case in support of one or more of the permanent placement options.</p>	<p>RJPP 34.03, subd. 4(a)</p>

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	<p><b>9.19 Determinations in Other Permanency Matters (continued)</b></p> <p><b>B. PRIMA FACIE DETERMINATION REGARDING REASONABLE/ACTIVE EFFORTS TO REUNIFY.</b> When the petition seeking permanent placement of the child away from the parent or legal custodian requires a determination by the court that reasonable efforts, or active efforts in the case of an <b>Indian</b> child, have been made to reunify the child with the parent or legal custodian, the court shall enter a separate finding regarding whether the factual allegations in the petition state a prima facie case that the agency has provided reasonable efforts, or active efforts in the case of an <b>Indian</b> child, to reunify the child and the parent or legal custodian. In the alternative, the court may enter a finding that reasonable efforts, or active efforts in the case of an <b>Indian</b> child, were not required under Minn. Stat. § 260.012.</p> <p><b>C. PRIMA FACIE CASE FOUND.</b> If the court determines that the petition states a prima facie case, the court shall proceed pursuant to solicit an admission or denial to the statutory grounds stated in the petition (see section 9.22).</p> <p><b>D. PRIMA FACIE CASE NOT FOUND.</b> If the court determines that the petition fails to state a prima facie case, the court may:</p> <ol style="list-style-type: none"> <li>1. Return the child to the care of the parent;</li> <li>2. Give the petitioner ten (10) days to file an amended petition or supplementary information if the petitioner represents there are additional facts which, if presented to the court, would establish a prima facie case; or</li> <li>3. Dismiss the petition.</li> </ol>	<ul style="list-style-type: none"> <li>• RJPP 34.03, subd. 4(b)</li> <li>• Minn. Stat. § 260.012 (requires reasonable efforts or active efforts if <b>Indian</b> child, to prevent placement or to reunify if child was placed)</li> </ul> <p>RJPP 34.03, subd. 4(c)</p> <p>RJPP 34.03, subd. 4(c)</p>
9.20	<p><b>PERSONS REQUIRED TO ENTER ADMISSION OR DENIAL</b> The court shall ask the following persons to enter an admission or denial to the petition:</p> <p><b>A. PARENT OR LEGAL CUSTODIAN.</b></p> <ol style="list-style-type: none"> <li>1. <b>Generally.</b> Unless the child's parent or legal custodian is the petitioner, a parent or legal custodian who is a party shall admit or deny the statutory grounds set forth in the petition or remain silent. If the parent or legal custodian denies the statutory grounds set forth in the petition or remains silent, or if the court refuses to accept an admission, the court shall enter a denial of the petition on the record.</li> <li>2. <b>Termination of Parental Rights and Permanent Placement Matters.</b> In a termination of parental rights matter, only the child's parent or legal custodian are required to admit or deny the petition.</li> </ol>	<p>RJPP 35.01, subd. 1(a)</p> <p>RJPP 35.01, subd. 1(b), (c)</p>

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	<p><b>9.20 Persons Required to Enter Admission or Denial (continued)</b></p> <p>B. <b>CHILD.</b> The child shall not be required to admit or deny the petition, except in matters where the sole allegation is that the child's behavior is the basis for the petition.</p> <p><i>Comment: RJPP 21.01, subd. 2, provides that the child is a party only in cases where the allegation is that the child is an habitual truant – this is a typo that occurred during final revisions to the rules. In reality, the intent is for the child to be a party in all cases where the petition alleges the child's behavior to be the basis of the petition (i.e., truancy, runaway, child engaged in prostitution, or delinquent under age 10). Thus, if the child is not already a party, it is best practice to join the child as a party in all cases where the child is required to admit or deny the petition.</i></p>	<p>RJPP 35.01, subd. 2(a), (b)</p> <p>RJPP 21.01 (specifies parties)</p>
9.21	<p><b>PROCEDURES, FINDINGS, AND ORDER IF DENIAL ENTERED</b></p> <p>A. <b>DENIAL WITHOUT APPEARANCE.</b> A written denial or a denial on the record of the statutory grounds set forth in a petition may be entered by counsel without the personal appearance of the person represented by counsel.</p> <p>B. <b>FURTHER PROCEEDINGS AFTER DENIAL.</b> When a denial by any party is entered, the court shall schedule a Pretrial Conference and/or Trial, the dates of which shall be included in a scheduling order which shall be issued at the conclusion of, or with five (5) days of, the Admit/Deny Hearing.</p> <p><i>Comment: The best practice is to set the date of the Pretrial Conference and Trial before the parties and participants leave the courtroom.</i></p> <p>C. <b>FINDINGS AND DETERMINATIONS TO BE INCLUDED IN ORDER FOLLOWING DENIAL.</b> If a denial is entered, the court shall determine the following, which shall be included in the order:</p> <ol style="list-style-type: none"> <li>1. The names of all parties, participants, and attorneys who appeared at the hearing.</li> <li>2. The names of all parties served with the Summons and Petition at least three (3) days before the hearing, including any who failed to appear despite proper service.</li> <li>3. The names of all parties not served with the Summons and Petition at least three (3) days before the hearing, but who nevertheless agree to proceed with the Admit/Deny Hearing.</li> </ol>	<p>RJPP 35.02, subd. 1</p> <ul style="list-style-type: none"> <li>• RJPP 35.02, subd. 2</li> <li>• RJPP 6.02, subd. 1 (scheduling order timing)</li> <li>• See generally RJPP 34 and RJPP 35</li> <li>• RJPP 10 (requires all orders to be reduced to writing)</li> </ul>

	GENERAL PROCEDURE	AUTHORITY
	<p data-bbox="235 136 1047 205"><b>9.21 Procedures, Findings, and Order if Denial Entered (continued)</b></p> <ol style="list-style-type: none"> <li data-bbox="305 241 1079 346">4. The names of all parties who were entitled to be served but who were not served, and direct immediate service, including service by publication if necessary.</li> <li data-bbox="305 346 1079 483">5. The names of all participants and attorneys who were entitled to be served with a Notice of the Hearing and a copy of the Petition, but who were not served, and direct immediate service.</li> <li data-bbox="305 483 1015 520">6. The parents' names, addresses, and dates of birth.</li> <li data-bbox="305 520 1063 625">7. The father's legal status as of the date of the hearing as either alleged, adjudicated, presumed, custodial, or unknown.</li> <li data-bbox="305 625 1055 699">8. Whether paternity must be established for any father, and order paternity testing if appropriate.</li> <li data-bbox="305 699 1071 867">9. Whether the child is an <b>Indian</b> child and, if so, whether the child's parent or <b>Indian</b> custodian and <b>Indian</b> tribe were notified of the hearing by registered mail, return receipt requested, and whether the return receipt is located in the court file.</li> <li data-bbox="305 867 1047 940">10. The names of all persons who entered a denial to the petition.</li> <li data-bbox="305 940 1079 1045">11. The actual date of the child's removal from home, if the child was removed from home by the responsible social services agency or law enforcement.</li> <li data-bbox="305 1045 1079 1297">12. The child's placement, including whether the child shall: <ol style="list-style-type: none"> <li data-bbox="365 1081 876 1119">(a) Continue in out-of-home placement;</li> <li data-bbox="365 1119 1063 1192">(b) Return home with conditions in place to assure the safety of the child or others;</li> <li data-bbox="365 1192 1071 1255">(c) Return home with reasonable conditions of release; or</li> <li data-bbox="365 1255 828 1297">(d) Return home with no conditions.</li> </ol> </li> <li data-bbox="305 1297 1063 1434">13. The date by which the out-of-home placement plan or child protective services case plan will be served and filed, and who will participate in the development of such plan.</li> <li data-bbox="305 1434 1063 1507">14. The conditions, if any, to be imposed upon the parent, legal custodian, or a party.</li> <li data-bbox="305 1507 1079 1612">15. The services, examinations, or evaluations, if any, to be provided to the child and by whom and the date the report shall be served and filed.</li> <li data-bbox="305 1612 1079 1822">16. The services, examinations, or evaluations, if any, to be provided to the child's parent and by whom and the date the report shall be served and filed (the court may order such services if the parent agrees to accept such services despite a denial or if the court grants another party's discovery motion).</li> <li data-bbox="305 1822 1023 1890">17. The terms of parental and sibling visitation pending further proceedings.</li> </ol>	

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.21 Procedures, Findings, and Order if Denial Entered (continued)</b></p> <p>18. Scheduling information for completion of discovery, and exchange of witness lists and exhibit lists.</p> <p>19. The date, time, and place of the Pretrial Conference and Trial.</p> <p><i>Comment: The best practice is to set the date before parties and participants leave the courtroom.</i></p> <p>20. The parent's responsibility for costs of care (see definition in Chapter 3.14) pursuant to Minn. Stat. § 260C.331, subd. 1.</p> <p>21. A statement that if the child is under 8 years of age at the time the petition is filed, a Permanency Progress Review Hearing must be commenced within six (6) months of the child's court-ordered removal if the child remains in out-of-home placement; and a statement that if the child, regardless of age, remains in out-of-home placement, a Permanent Placement Determination Hearing must be commenced within twelve (12) months of the child's court-ordered removal if the child has not been returned home.</p> <p>22. A statement that, unless otherwise modified by this order, all previous orders shall remain in full force and effect.</p>	
9.22	<p><b>PROCEDURES, FINDINGS, AND ORDER IF ADMISSION ENTERED</b></p> <p>A. <b>ADMISSION UNDER OATH.</b> Any admission must be made under oath. The court should inquire whether there will be an admission or denial and, if there is to be an admission, place the party under oath.</p> <p>B. <b>ADMISSION WITHOUT APPEARANCE.</b> A written admission of the statutory grounds set forth in the petition, made under oath by the admitting party, may be entered by counsel for that party without the personal appearance of the admitting party. The admission must be submitted at or before the hearing. If a written admission is submitted, the hearing must still take place so that the court may make the necessary findings and orders.</p> <p>C. <b>QUESTIONING OF PERSON MAKING ADMISSION.</b> Before accepting an admission regarding a CHIPS petition, the court shall determine on the record or by written document signed by the person admitting and the person's counsel, if represented, whether the person admitting acknowledges:</p>	<p>RJPP 35.03, subd. 1</p> <p>RJPP 35.03, subd. 2</p> <p>RJPP 35.03, subd. 3</p>

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.22 Procedures, Findings, and Order if Admission Entered (continued)</b></p> <ol style="list-style-type: none"> <li>1. An understanding of:               <ol style="list-style-type: none"> <li>(a) the nature of the statutory grounds set forth in the petition;</li> <li>(b) if unrepresented, the right to representation pursuant to RJPP 25;</li> <li>(c) the right to a trial;</li> <li>(d) the right to testify; and</li> <li>(e) the right to subpoena witnesses.</li> </ol> </li> <li>2. An understanding that the facts being admitted establish the statutory grounds set forth in the petition.</li> <li>3. An understanding that a possible effect of a finding that the statutory grounds are proved may be the permanent removal of the child from the parent's care, including transfer of legal custody of the child to another or termination of parental rights to the child.</li> <li>4. An understanding that, if the child is not returned home, a hearing to review progress on the case plan will be held within 6 months of the date of the child's out-of-home placement if the child was under 8 years of age at the time of the filing of the petition, and hearing to determine the permanent placement of the child will be held within 12 months of the date of the child's out-of-home placement if the child was 8 years or older at the time of the filing of the petition.</li> </ol> <p>D. <b>FACTUAL BASIS FOR ADMISSION REQUIRED.</b> The court shall refuse to accept an admission unless there is a factual basis for the admission.</p> <p>E. <b>FULL OR PARTIAL ADMISSION.</b> A party may admit all of the statutory grounds set forth in the petition. Pursuant to a settlement agreement, a person may admit some, but not all, of the statutory grounds set forth in the petition.</p> <p>F. <b>WITHDRAWAL OF ADMISSION.</b> After filing a motion with the court:</p> <ol style="list-style-type: none"> <li>1. An admission may be withdrawn at any time upon a showing that withdrawal is necessary to correct a manifest injustice; or</li> <li>2. The court may allow a withdrawal of an admission before a finding on the petition for any fair and just reason.</li> </ol>	<p>RJPP 35.03, subd. 4</p> <p>RJPP 35.03, subd. 4(a), (b)</p> <p>RJPP 35.03, subd. 5</p>

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.22 Procedures, Findings, and Order if Admission Entered (continued)</b></p> <p>G. <b>ACCEPTANCE OR NON-ACCEPTANCE OF ADMISSION.</b> At the time of the admission, the court shall make a finding that:</p> <ol style="list-style-type: none"> <li>1. The admission has been accepted and the statutory grounds admitted have been proved;</li> <li>2. The admission has been conditionally accepted pending the court's approval of a settlement agreement pursuant to RJPP 19; or</li> <li>3. The admission has not been accepted.</li> </ol> <p>H. <b>FURTHER PROCEEDINGS.</b> If the court makes a finding that the admission is accepted and the statutory grounds admitted are proved, or that the admission is conditionally accepted pending the court's approval of a settlement agreement, the court shall enter an order with respect to adjudication and proceed to disposition.</p> <p>I. <b>ADJUDICATION OR WITHHOLDING OF ADJUDICATION IN CHIPS MATTERS.</b></p> <ol style="list-style-type: none"> <li>1. <b>ADJUDICATION.</b> If the court makes a finding that the statutory grounds set forth in the petition alleging a child to be in need of protection or services (CHIPS) are proved, the court shall: <ol style="list-style-type: none"> <li>(a) Adjudicate the child as in need of protection or services (see Chapter 12) and proceed to disposition (see Chapter 13); or</li> <li>(b) Withhold adjudication of the child.</li> </ol> </li> <li>2. <b>WITHHOLDING ADJUDICATION.</b> When it is in the best interests of the child to do so, in a CHIPS matter the court may withhold an adjudication that the child is in need of protection or services for a period not to exceed ninety (90) days from the finding that the statutory grounds set forth in the petition have been proved. During the withholding of adjudication, the court may enter a disposition order (see Chapter 13). At a hearing, which shall be held within ninety (90) days following the court's withholding of adjudication, the court shall either: <ol style="list-style-type: none"> <li>(a) Dismiss the matter without an adjudication if both the child and the child's legal custodian have complied with the terms of the continuance; or</li> <li>(b) Adjudicate the child in need of protection or services if either the child or the child's legal custodian has not complied with the terms of the continuance. If the court enters an adjudication, the court shall proceed to disposition (see Chapter 13).</li> </ol> </li> </ol>	<p>RJPP 35.03, subd. 6</p> <p>RJPP 35.03, subd. 7</p> <p>RJPP 40.01</p> <ul style="list-style-type: none"> <li>• RJPP 40.02</li> <li>• Minn. Stat. § 260C.201, subd. 12</li> </ul>



	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.22 Procedures, Findings, and Order if Admission Entered (continued)</b></p> <p><b>J. FINDINGS AND DETERMINATIONS TO BE INCLUDED IN ORDER FOLLOWING ADMISSION.</b> If an admission is entered, the court shall determine the following, which shall be included in the order:</p> <ol style="list-style-type: none"> <li>1. The names of all parties, participants, and attorneys who appeared at the hearing.</li> <li>2. The names of all parties served with the Summons and Petition at least three (3) days before the hearing, including any who failed to appear despite proper service.</li> <li>3. The names of all parties not served with the Summons and Petition at least three (3) days before the hearing, but who nevertheless agree to proceed with the Admit/Deny Hearing.</li> <li>4. The names of all parties who were entitled to be served but who were not served, and direct immediate service, including service by publication if necessary.</li> <li>5. The names of all participants and attorneys who were entitled to be served with a Notice of the Hearing and a copy of the Petition, but who were not served, and direct immediate service.</li> <li>6. The parents' names, addresses and dates of birth.</li> <li>7. The father's legal status as of the date of the hearing as either alleged, adjudicated, presumed, custodial, or unknown.</li> <li>8. Whether paternity must be established for any father, and order paternity testing if appropriate.</li> <li>9. Whether the child is an Indian child and, if so, whether the child's parent or Indian custodian and Indian tribe were notified of the hearing by registered mail, return receipt requested, and whether the return receipt is located in the court file.</li> <li>10. The names of all persons who entered an admission or denial to the petition.</li> <li>11. Whether the child is adjudicated as in need of protection or services or, if the court determines that it is in the best interests of the child to do so, whether adjudication is withheld for a period not to exceed ninety (90) days from the finding that the statutory grounds set forth in the petition have been proved.</li> <li>12. The actual date of the child's removal from home, if the child was removed from home by the responsible social services agency or law enforcement.</li> <li>13. The child's placement, including whether the child shall: <ol style="list-style-type: none"> <li>(a) Continue in out-of-home placement;</li> <li>(b) Return home with conditions in place to assure the safety of the child or others;</li> </ol> </li> </ol>	RJPP 35

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.22 Procedures, Findings, and Order if Admission Entered (continued)</b></p> <p>(c) Return home with reasonable conditions of release; or (d) Return home with no conditions.</p> <p>14. The date by which the out-of-home placement plan or child protective services case plan will be served and filed, and who will participate in the development of such plan.</p> <p>15. The conditions, if any, to be imposed upon the parent, legal custodian, or a party.</p> <p>16. The services, examinations, or evaluations, if any, to be provided to the child and by whom and the date the report shall be served and filed.</p> <p>17. The services, examinations, or evaluations, if any, to be provided to the child's parent and by whom and the date the report shall be served and filed – the court may order such services if the parent agrees to accept such services despite a denial or if the court grants another party's discovery motion.</p> <p>18. The terms of parental and sibling visitation pending further proceedings.</p> <p>19. Scheduling information for any discovery that may be appropriate.</p> <p><i>Comment: The best practice is to set the date before parties and participants leave the courtroom.</i></p> <p>20. The parent's responsibility for costs of care (see definition in Chapter 3.14) pursuant to Minn. Stat. § 260C.331, subd. 1.</p> <p>21. A statement that if the child is under 8 years of age at the time the petition is filed, a Permanency Progress Review Hearing must be commenced within six (6) months of the child's court-ordered removal if the child remains in out-of-home placement; and a statement that if the child, regardless of age, remains in out-of-home placement, a Permanent Placement Determination Hearing must be commenced within twelve (12) months of the child's court-ordered removal if the child has not been returned home.</p> <p>22. A statement that, unless otherwise modified by this order, all previous orders shall remain in full force and effect.</p>	
9.23	<p><b>ORDER</b></p> <p>A. <b>ORAL ORDER REDUCED TO WRITTEN ORDER.</b> Court orders may be written or stated on the record. An order stated on the record shall also be reduced to writing.</p>	RJPP 10.01

	GENERAL PROCEDURE	AUTHORITY
	<p><b>9.23 Order (continued)</b></p> <p>B. <b>TIMING OF ORDER.</b> The order shall be filed with the court administrator within ten (10) days of the conclusion of the hearing. An additional fifteen (15) days An order shall remain in full force and effect until the first occurrence of one of the following:</p> <ol style="list-style-type: none"> <li>1. Issuance of an inconsistent order;</li> <li>2. The order ends pursuant to the terms of the order; or</li> <li>3. Jurisdiction of the juvenile court is terminated.</li> </ol> <p>C. <b>IMMEDIATE EFFECT OF ORAL ORDER.</b> Unless otherwise ordered by the court, an order stated on the record shall be effective immediately.</p> <p>D. <b>DELIVERY; MAILING.</b> Court orders shall be:</p> <ol style="list-style-type: none"> <li>1. Delivered at the close of the hearing; or</li> <li>2. Mailed by the court administrator to each party, the county attorney, and such other persons as the court may direct.</li> </ol> <p>If a party is represented by counsel, delivery or service shall be upon counsel. If service of the summons was by publication and the person has not appeared either personally or through counsel, service of court orders upon the person is not required. Filing and mailing of the order by the court administrator must be accomplished within ten (10) days of the date the judicial officer delivers the order to the court administrator.</p> <p><i>Comment: While the Rule provides that service shall be upon counsel for a party, if represented, the best practice is to also provide a copy directly to the party to ensure it is timely received and to allow the parent to more quickly begin work on the case plan. The best practice is to distribute the order at the close of the hearing.</i></p>	<p>RJPP 10.01</p> <p>RJPP 10.02</p> <p>RJPP 10.03</p>
9.24	<p><b>NOTICE OF SUBSEQUENT HEARINGS</b></p> <p>For each hearing following the Admit/Deny Hearing, the court administrator shall serve upon each party, participant, and attorney a notice of the date, time, and location of the next hearing. The notice shall be:</p> <ol style="list-style-type: none"> <li>1. Delivered at the close of the hearing (if written notice is delivered at the end of the hearing, later written notice is not required),</li> <li>2. Mailed at least five (5) days before the date of the next hearing, or</li> <li>3. Mailed fifteen (15) days before the date of the hearing if mailed to an address outside the state.</li> </ol>	RJPP 32.04

	GENERAL PROCEDURE	AUTHORITY
9.25	<p><b>NEXT HEARING – DISPOSITION HEARING OR DISPOSITION REVIEW HEARING</b></p> <p>If disposition was not ordered as part of the Admit/Deny Hearing, then the next hearing is the Disposition Hearing. A disposition order must be issued within ten (10) days of the date the court finds that the statutory grounds have been proved. If disposition was ordered as part of the Admit/Deny Hearing, then the next hearing is a Disposition Review Hearing which must take place within the next ninety (90) days.</p>	

**State of Minnesota**

County

## District Court

Judicial District: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Case Type: \_\_\_\_\_

Juvenile

**In the Matter of the Welfare of the Child(ren)  
of:****Scheduling Order**☐ Parent ☐ Legal Custodian☐ Parent ☐ Legal Custodian

Pursuant to Rule 6 of the Rules of Juvenile Protection Procedure, this Order establishes the following deadlines or specific dates for the proceedings in this matter:

**1. Discovery (Rule 17)**

- ☐ A. Inspection and copying of documents or other tangible evidence shall be completed by \_\_\_\_\_.
- ☐ B. By \_\_\_\_\_ the parties shall identify the names and addresses of all persons intended to be called as witnesses at trial, and shall allow all other parties to inspect and copy such witnesses' written or recorded statements, within the party's knowledge, relating to the case.
- ☐ C. By \_\_\_\_\_ the parties shall identify the names and addresses of all persons intended to be called as expert witnesses at trial, the subject matter about which each expert is expected to testify, and a summary of the grounds for each opinion to be offered.
- ☐ D. The following additional pretrial preparation and discovery is authorized and the reports from such discovery shall be completed and disclosed to the other parties by \_\_\_\_\_:
- ☐ (i) physical examination of \_\_\_\_\_.
- ☐ (ii) psychological examination of \_\_\_\_\_.
- ☐ (iii) depositions of \_\_\_\_\_.

**2. Case Plan (Rule 37)**

- ☐ A. The case plan proposed by the responsible Social Services agency pursuant to Rule 37 shall be filed with the court and served upon the parties, or their legal counsel if represented, and the foster parent, if any, by \_\_\_\_\_ *(if the child is in out-of-home placement, the out-of-home placement plan must be filed no later than 30 days from the filing of the petition; if the child has not been removed from home, the case services plan must be filed at the time the petition is filed unless an exigent circumstance exists and the court orders it filed at a later date).*
- ☐ B. The court will review the proposed case plan and will approve or modify it not later than \_\_\_\_\_.
- ☐ C. The Court may modify the case plan if a parent or child files a Notice of Motion and Motion to Modify Case Plan by \_\_\_\_\_.

**3. Pretrial Motions (Rule 15)**

- ☐ A. All pretrial motions shall be filed and served by \_\_\_\_\_.
- ☐ B. A pretrial hearing on any such motions shall be held on \_\_\_\_\_.

4. **Pretrial Conference (Rule 36)**

- ☐ A. A Pretrial Conference shall be held on \_\_\_\_\_ (*at least 10 days before the date of the trial*).
- ☐ B. The parties and their legal counsel shall come to the Pretrial Conference prepared to determine whether a settlement of any or all issues has occurred or is possible, and to discuss the issues set forth in Juvenile Protection Rule 36.02.

5. **Trial (Rule 39)**

- ☐ A. Trial in this matter shall begin on \_\_\_\_\_ (*must be commenced within 60 days from the date of the Emergency Protective Care Hearing or the Admit/Deny Hearing, whichever is earlier, and must be completed within 90 days of the denial of the statutory grounds.*)
- ☐ B. The trial shall not be continued or adjourned for more than one week unless the court finds that the continuance or adjournment is in the best interests of the child.
- ☐ C. The trial shall continue until completed; it is anticipated that at least \_\_\_\_\_ court business days are necessary to complete the trial.
- ☐ D. The trial shall be conducted pursuant to the procedure set forth in Rule 39.03.

6. **Disposition Hearing (Rule 41)**

- ☐ A. If the court adjudicates the child as is in need of protection or services, the disposition hearing shall be held on \_\_\_\_\_ (*the same day as adjudication, if possible, but not later than 10 days after the court issues its adjudicatory findings*).
- ☐ B. Pre-disposition reports shall be filed with the court and served upon the parties by \_\_\_\_\_ (*at least 48 hours prior to the date of the disposition hearing*).

7. **Disposition Review Hearings (Rule 41.06)**

- ☐ A. If the child continues in out-of-home placement, an in-court disposition review hearing shall be held at least every 90 days from the date of disposition to the date of the permanency hearing, including on the following date(s): \_\_\_\_\_; \_\_\_\_\_; and \_\_\_\_\_ (*at least every 90 days from the date of disposition to the date of the permanency hearing*).
- ☐ B. If the child is returned to the care of the parent(s) under protective supervision, an in-court disposition review hearings shall be held at least every 6 months from the date of disposition to the date of the permanency hearing, including the following date(s): \_\_\_\_\_ and \_\_\_\_\_ (*at least every 6 months from the date of disposition to the date of the permanency hearing*).

8. **Permanency Hearing and Permanency Progress Review Hearing (Rule 42)**

- ☐ A. For a child age 8 or older at the time the petition was filed, a Permanent Placement Determination Hearing shall be commenced no later than \_\_\_\_\_ (*within 12 months from the date of the court-ordered out of home placement*), unless the child is returned home or unless a petition to terminate parental rights or other permanency petition has been filed. This hearing shall be the Admit/Deny Hearing on the permanency petition.

☐ B. For a child under age 8 at the time the petition was filed, the court shall commence a Permanent Placement Progress Review Hearing to review the parent's progress on the out-of-home placement case plan and provision of services by the agency no later than \_\_\_\_\_ *(within 6 months of the date of the child's court ordered out-of-home placement)*, unless the child is returned home or unless a petition to terminate parental rights or other permanency petition has been filed.

☐ C. Unless the child is returned home, a permanency petition must be filed with the court and served upon the parties by the county attorney on or before \_\_\_\_\_ *(no later than 11 months from the date of the child's court-ordered out-of-home placement – 30 days before the Permanency Hearing)*.

☐ D. If a denial to the Permanency Petition is entered, a Pretrial Conference regarding the Permanency Petition shall be held on \_\_\_\_\_ *(at least 10 days before the date of the trial on the permanency petition)*.

☐ E. If a denial to the Permanency Petition is entered, a Trial regarding the Permanency Petition shall be commenced on \_\_\_\_\_ *(if trial is for a Long Term Foster Care or Transfer of Legal Custody Petition, it must be commenced within 30 days of the filing of the petition; if the trial is for Termination of Parental Rights, it must be commenced within 90 days of the filing of the petition)*.

9. **Other Provisions:**

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10. **Amendment of Scheduling Order**

This Order is subject to revision as necessary to serve the best interests of the child and the interests of justice, so long as the permanency timelines are not delayed.

**IT IS SO ORDERED.**

**Date:** \_\_\_\_\_

**By The Court:**

\_\_\_\_\_  
District Court Judge